

REMARKS

By the present Response, Applicant has rewritten indicated to be allowable claim 9 as new claim 21 and claims 10 and 11 as new claims 22 and 23 which depend therefrom.

At least in accordance with the Examiner's indication in the outstanding Official Action, claims 21-23 should now be allowable. An action to such effect is respectfully requested.

Applicant notes that a Response under 37 C.F.R. § 1.116 was filed in the present application on August 23, 2004. Subsequent to the filing of the Response, Applicant discussed the Response with the Examiner. Although he did not have the file in his possession, the Examiner was able to access the Response electronically and was kind enough to discuss the same with Applicant's undersigned representative.

During the above-noted discussion on September 22, 2004, the Examiner indicated that the changes made in the above-noted Response under 37 C.F.R. § 1.116 raised new issues particularly regarding the third threshold being eliminated from the claim. The Examiner indicated that if Applicant would submit a copy of claim 9 rewritten into independent form including all the limitations thereof and of independent claim 1, he would positively consider such claim with regard to allowance.

Accordingly, by the present Response and without in any manner acquiescing in the propriety of the Examiner's rejection set forth in the Official Action of March 23, 2004, Applicant respectfully has complied with the Examiner's suggestion and

P18671.A14

respectfully requests entry of the present amendment and allowance of the claims pending herein.

The present Response, although filed after Final Rejection, is submitted to be appropriate for entry in accordance with the provisions of 37 C.F.R. § 1.116. In particular, the present amendment does not raise any new issues requiring further consideration or search but rather merely rewrites an objected to claim into independent form in accordance with the Examiner's suggestion. Accordingly, entry of the present Amendment, reconsideration of the outstanding rejection and allowance of all the claims pending herein, is respectfully requested in due course.

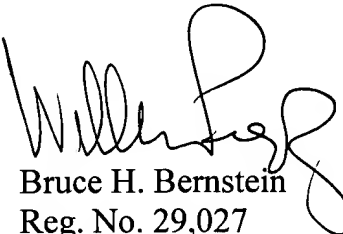
The Examiner is respectfully thanked for his courtesy and cooperation during the above-noted interview and for his open minded approach towards the claims in the present application.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P18671.A14

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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Handwritten note: RN-33630

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